

DEC 10 2013

JULIA D. [Signature], CLERK
BY: [Signature]
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JACOB D. PEYTON IV,)	CASE NO. 7:13CV566
)	
Petitioner,)	
)	FINAL ORDER
v.)	
)	
HAROLD CLARKE, DIRECTOR,)	By: Glen E. Conrad
)	Chief United States District Judge
Respondent.)	

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** without prejudice as successive, and this action is stricken from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 10th day of December, 2013.

Glen Conrad
Chief United States District Judge